IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5089 OF 2006

Shri Kiran Mahadev Joshi .... Petitioner
Vs.
Manugraph Industries Ltd. .... Respondent

Shri Amit Borkar for the Petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 14, 2006

P.C:

1. Heard the learned Advocate for the petitioner and perused the records.

2. Perusal of the records and the impugned order disclose that both the Labour Court and the Industrial Court have arrived at the concurrent findings about the habitual absenteeism on the part of the petitioner and therefore have held that there is no case for interference in the matter. The concurrent findings arrived at clearly disclose that out of seven years of service, the petitioner was absent for one-and-half year, without leave. The Industrial Court has rightly observed that "It is nothing but sheer enormity of his absenteeism which is found to be beyond the limits of the term "habitual and chronic" normally used to describe misconduct of absenteeism.". I entirely agree

with the said finding and that itself is sufficient to reject the petition.

3. In the result, therefore, the petition is dismissed.

(R.M.S. Khandeparkar, J.)

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